



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re
appln. of: Albert J. Frattarola
Serial No.: 09/803,221
Filed: March 9, 2001
For: FLOATING CAPTIVE SCREW
Examiner: Flemming Saether
Art Unit: 3679
Att'y Docket: 061-01

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GROUP 3600

DECLARATION UNDER RULE 131 (37 C.F.R §1.131)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Examiner's Action dated April 23, 2003, U.S. Patent 6,059,503 ("Johnson") was relied upon in rejecting applicant's independent claim pursuant to 35 U.S.C. 103(a). Johnson issued on May 9, 2000, based upon an application serial number 09/179,742 filed on October 27, 1998.

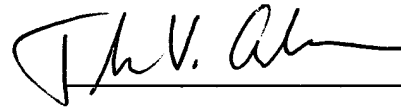
The invention according to the above-referenced application was conceived prior to October 27, 1998 as evidenced by the attached copy of an e-mail dated September 4, 1998 and "concept sketch." The e-mail has been redacted to remove the recipient's e-mail address. The invention was reduced to practice no later than November 18, 1998 when five prototypes of a captive screw according to the present invention were sent to a potential customer. During the interim two-month period, diligence is shown by concluding a confidentiality agreement with a potential customer, preparing engineering drawings, providing the potential customer with drawings, and manufacturing the prototypes.

I, Thomas V. Aukzemas am intimately familiar with the facts set forth in the Declaration above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

24 JUL 2003

Date

A handwritten signature in black ink, appearing to read 'Th V. Aukzemas', written over a horizontal line.

Thomas V. Aukzemas

Tom Aukzemas

09/04/98 08:53 AM

To:

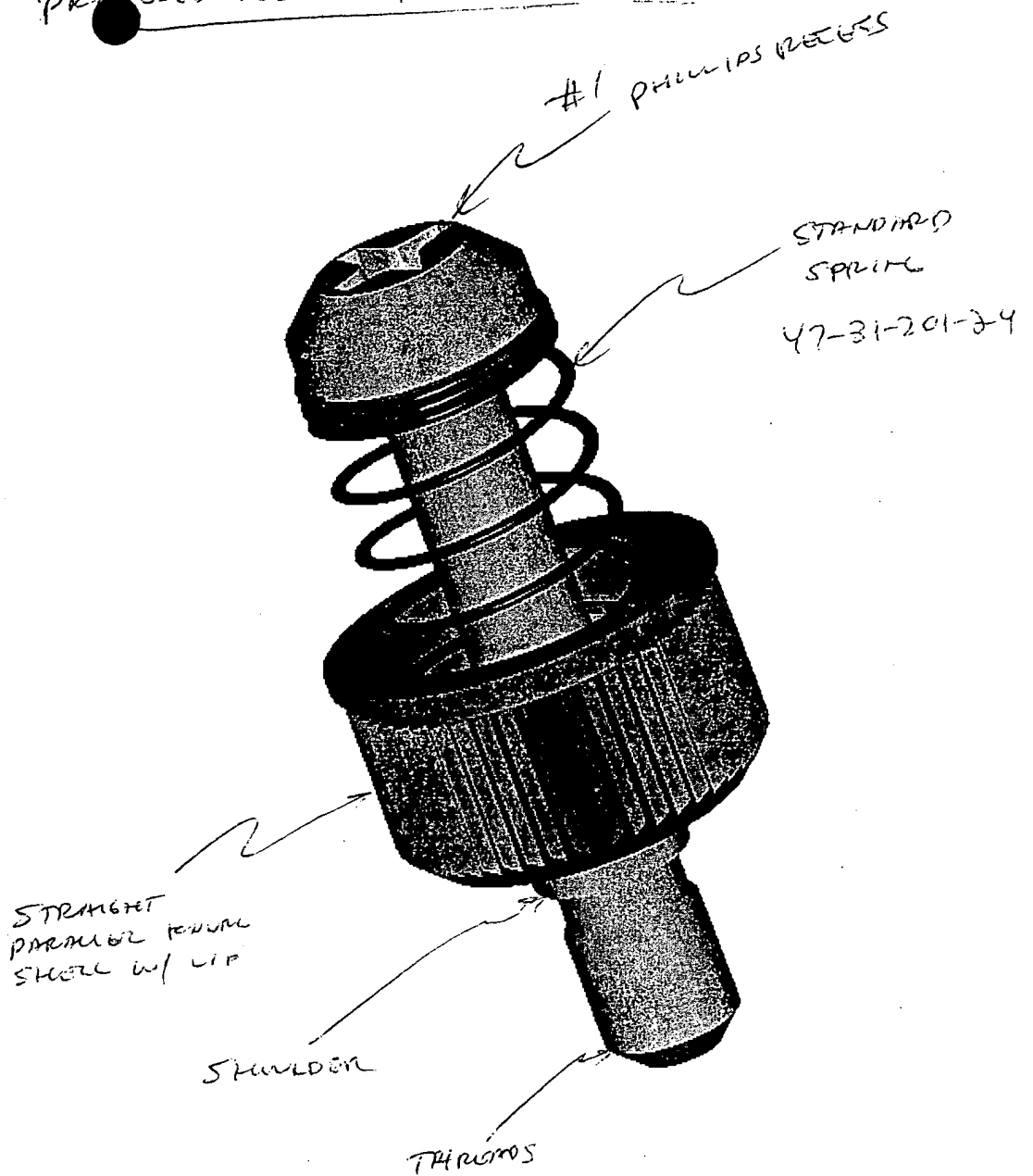
cc: Brian McCarthy/SOUTHCO@SOUTHCO

Subject: Screw design

Paul,

Attached below is a concept sketch for the Lever Ejector screw. When we changed to a parallel knurl on the outside diameter as opposed to a step with a knurl like Al Frattarola originally suggested, I had to change the retention method slightly. This puts the step in the screw on the bottom of the ferrule as opposed to in it when retracted. I do not see this as a problem, but if it is we can adjust the length of the screw. The spring shown is a standard spring for us which may need to change but for the purposes of concepts and prototypes it should work. The knurl is parallel with no draft which should work and also I added a lip on the top to cover up the knurl after installation which will give the part a cleaner look in your lever. The rest of the dimensions are comparable to your drawings and if this looks good we can start on some prototypes. Please call to discuss.

Tom



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